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7th March 1984

JHB/JE/23844

Dear Sir,

French Patent Application No 81 09194
PM 1088 (Dleta) Our file 23844

I refer to my letter of 2nd February 1984 reporting the search report on the French application, to which a reply is not compulsory because it only cites "background" art.

In reviewing the files on this invention, however, I am reminded that there is an application of Imperial Group Ltd on related subject matter, which has a first priority date earlier than the first priority date of the present application. We have already dealt with this situation in the United Kingdom, where the Imperial application was published as GB 2 064 296, but we should not lose sight of the fact that there are equivalent Imperial applications in some other European countries, and that a similar situation will arise in such countries as has already been dealt with in the UK.

The Imperial application has not been cited by the European search division, in the search it produced for the French Patent Office, but we are nevertheless aware of FR 2 469 133 which corresponds in essentials to the British specification referred to above. In France, this represents a co-pending application having an earlier priority date in respect of certain subject matter, and has a similar impact on our own French application as did the British application on our application in the UK. The law governing co-pending applications of different priority date, namely the "whole contents" rule, is similar in France and the UK, as in most European countries adherent to the Strasbourg Convention.

What I suggest is that I should ask our French associates to check whether the Imperial application does indeed claim the first British priority date, without which we would have the earlier right. If it does have the earlier date, then I would suggest filing claims in France similar to the amended claims in the British application, subject to any further or different advice from our French associates.

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Perhaps you could let me know if you agree with this course of action.

Yours faithfully,

J H BASS

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